THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.26817 OF 1995

DATED:23.11.2006

BETWEEN:

Managing Director,
Singareni Collieries Co-operative
Central Stores Limited,
Kothagudem, Khammam district.

… Petitioner.

And

The Authority under Minimum Wages Act
And Labour Officer, Kothagudem, Khammam,

And another

… Respondents.

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

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ORDER:

The management of Singareni Collieries Co-operative Central Stores Limited filed the present writ petition questioning the order of the authority under the Minimum Wages Act and Labour Officer, Kothagudem in Minimum wages Case No.230 of 1995 dated 22.8.1995 whereby the application filed by the second respondent for payment of difference of wages of Rs.7,171/- for the period from September 1992 to May 1995 is allowed. The second respondent who claimed to have worked as a clerk-cum-salesman during the said period made the said claim on the ground that he was paid wages admissible to Helper. The first respondent authority having recorded the evidence of one L.Nageshwar Rao, who was in charge of Stock Verification and E.Sambaiah, clerk of the petitioner organization and also after taking into consideration the view point of the management, gave a finding that the petitioner worked as clerk-cum-salesman from 1992 to 30.5.1995 and that he is entitled to the difference in wages totaling to Rs.7,171/-.

Ms.Uma Devi, learned counsel for the petitioner contends that the finding of the first respondent authority is not supported by the evidence on record and that the petitioner worked as clerk-cum-salesman only from 1.4.1994 to February 1995, as deposed by L.V.Nageshwar Rao.

The first respondent in his order referred to the evidence of L.V.Nageshwar Rao and it is apt to refer that portion of the order where he discussed the evidence of Sri Nageshwar Rao:

> " The evidence of witnesses L.V.Nageshwara Rao (In charge Stock verification) and E.Sambaiah (Clerk) who worked as In charge Godown keeper, heard and recorded. As per V.Nageshwar Rao (ISV), R.Komaraiah worked as clerk and salesman in his service except for few days as Helper (on different dates) and also from 1.4.1994 to February 1995 R.Komaraiah, worked in section (shares L.P.G.) under his control."

I am unable to agree with the learned counsel for the petitioner that the evidence of Nageshwar Rao discloses that the petitioner worked only from 1.4.1994 to February 1995. On the other hand the said evidence of Nageshwar Rao was understood by the first respondent to mean that except for a few days during which the petitioner worked as Helper, the petitioner has worked as clerk-cum-salesman. In any event, the first respondent authority, having regard to the evidence placed before him, gave a finding on the analysis of evidence available on record. Even if a different view is possible, this Court exercising writ jurisdiction will not reverse the view of the first respondent, which is based on a possible interpretation. Since the dispute as to whether the petitioner worked as clerk-cum-salesman from 1992 to 30.5.1992 or only from 1.4.1994 to February 1995 falls in the realm of a disputed fact, which was already resolved by the first respondent authority, I am not inclined to make a probe into the same in these proceedings. I do not see any patent error in the finding recorded by the first respondent authority on the period during which the petitioner worked as clerk-cum-salesman.

For the aforementioned reasons, I do not see any merit in the writ petition and accordingly, the same is dismissed.

23.11.2006.

mdaa.